

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:97CR3002
	)	
Plaintiff,	)	
v.	)	<b>ORDER</b>
	)	
JIMMIE C. JOHNSON,	)	
	)	
Defendant.	)	

Inasmuch as the United States Court of Appeals for the Eighth Circuit has affirmed this court's judgment, see [filing 232](#),

IT IS ORDERED that the defendant's motion to correct the record regarding the effective filing date of his notice of appeal, or, alternatively, for an extension of time to appeal ([filing 231](#)), is denied without prejudice, as moot.<sup>1</sup>

October 14, 2008.

BY THE COURT:

s/ Richard G. Kopf  
United States District Judge

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<sup>1</sup> On September 23, 2008, I granted a motion for extension of time that was filed by defense counsel in response to a letter from the Clerk of the Court of Appeals indicating that the defendant's pro se notice of appeal was untimely. I also noted, however, that it appeared from the record that the defendant's appeal was timely filed under the prison mailbox rule. See [filing 230](#).